

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3094 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VITHALBHAI MANABHAI CHAUHAN & ORS.

Versus

IC PATEL, SECTIONAL OFFICER, PWD, & ORS.

Appearance:

MR BB NAIK for Petitioners

MR VB GHARANIA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/12/96

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The grievances of the petitioners, who were appointed on daily wages in the Public Works Department at Kheralu since last many years, are that they have not been given benefits of Government Resolution dated 4.7.73 and 7.7.73, enclosed to this petition as annexures 'A' and 'B'. Further grievance has been made that some of

the persons junior to them have been given benefits of those Resolutions.

3. The respondents have not filed reply to this Special Civil Application. However, the learned counsel for the respondent very fairly submitted that it is a matter for consideration of respondents and the respondents are ready and willing to consider the claim of the petitioners and in case they are found eligible for benefits under the aforesaid Resolutions, then those benefits shall be extended to them from the date from which the two persons alleged to be junior to them have been given the benefits of aforesaid Resolutions. From the prayer made by the petitioners in this Special Civil Application, it is borne out that the petitioners prayed for directions to the respondent to appoint them as temporary employees in pursuance of the Resolution dated 4.7.73 on the work charged establishment in Visnagar Sub Division at Kheralu. That order has to be made by the respondent after considering their claim. In view of this fact, interest of justice will be met in case this writ petition is disposed of with directions to the respondent to consider the claim of the petitioners for the benefits to be given to them as per the Resolution dated 4.7.73 and 7.7.73 and in case they are found eligible for the benefits as claimed, they may be given the actual benefits thereof from the date on which their juniors were given those benefits. The petitioners shall make a representation in this respect to the respondent within a period of two months from the date of receipt of certified copy of this order and the respondent on receiving the same, will decide the same within two months thereafter. In case the claim of the petitioners is accepted, then they will be entitled for all consequential benefits following therefrom from the date of conferment of the benefits to their juniors. Where they are not found eligible for the benefits as claimed, then the respondent shall make a reasoned order and a copy of the same may be sent to the petitioners by registered post.

4. The writ petition stands disposed of accordingly.
Rule made absolute in aforesaid terms. No order as to costs.

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(sunil)